

## Official

### **TOWN COUNCIL MINUTES Regular Meeting Wednesday, March 28, 2007**

**CALL TO ORDER:** Chairman G. Longfellow called the meeting to order at 6:30 pm.

**PRESENT:** Michael DiBitetto, James Gorton, Jason Hyde, Mike Jolin, Paul Loiselle, David Ross, Patricia Rueppel, Stuart Werksman, Chairman George Longfellow, David Jodoin (Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES:**

February 28, 2007 – P. Loiselle moved to approve the February 28, 2007 minutes. Motion seconded by S. Werksman. **Motion carried.** M. Jolin abstained, not present at the meeting.

March 14, 2007 – S. Werksman moved to approve the March 14, 2007 minutes as amended. Motion seconded by P. Loiselle. **Motion carried.** M. Jolin abstained, not present at the meeting.

#### **NOMINATIONS/APPOINTMENTS:**

Available Positions:

- Building Board of Appeals, Fill-in Full Member, exp. 6-2009
- Conservation Commission, Fill-in Alt. Members, exp. 6/2008
- Heritage Commission, Fill-in Alt. Members, exp. 6/2008

#### **ZBA**

J. Gorton moved to appoint Roger Duhaime as a fill-in full member of the ZBA, exp. 6/2007. Motion seconded by S. Werksman. **Motion carried unanimously.**

M. DiBitetto moved to appoint Richard Bairam as a fill-in alternate member of the ZBA, exp. 6/2009. Motion seconded by D. Ross. **Motion carried unanimously.**

#### **Heritage Commission**

P. Loiselle nominated David Bernard as a fill-in, alternate member of the Heritage Commission, exp. 6/2008.

#### **SCHEDULED APPOINTMENTS:**

##### **Recycling Trailer Bids**

Diane Boyce, Recycling & Transfer Superintendent stated she was ready to present the only bid received last September when Macy Industries approached the department with a proposal to build a prototype for the Town. She recommended accepting the bid from Macy Industries.

- Pro-tainer                                      \$16,175
- Macy Industries                                \$15,000

The money is already encumbered from last year.

***M. Jolin moved to accept the bid from Macy Industries for \$15,000. Motion seconded by D. Ross.***

#### **Roll Call:**

M. DiBitetto	Yes	D. Ross	Yes
J. Gorton	Yes	P. Rueppel	Yes

J. Hyde	No	S. Werksman	Yes	
M. Jolin	Yes	Chairman G. Longfellow	Yes	<b><u>Motion carried.</u></b>
P. Loiselle	Yes			

Bayview Terrace/Alhquist Property Shoreline Stabilization Bids

The bids were opened this morning. The Town received 6 bids from the following:

- Pine Hill Construction \$76,860
- F.L. Merrill Construction, Inc. \$93,500
- James S. Piscopo, G.C., Inc. \$63,896
- J & R Industries \$57,266
- Eastern Site Development \$62,280
- DBU Construction \$89,950

Jeff Tenley, Natural Resources Conservation Service contacted the three lowest bids (J & R Industries, Eastern Site Development & James S. Piscopo, G.C., Inc.) and found them all to be capable of doing the job.

Mr. Craig Ahlquist, property owner suggested accepting the bid from Eastern Site Development as the company has done similar projects with NRCS.

***D. Ross moved to accept the bid from Eastern Site Development for \$62,280. Motion seconded by P. Loiselle.***

There was a discussion whether the bid should be awarded to the lowest bidder (J & R Industries). M. Jolin argued that a company should not be disqualified just because no one was familiar with their work. M. DiBietto added that all three companies were found to be capable of doing the job. There's no law to accept the lowest bid but it could be challenged.

**Roll Call:**

M. DiBietto	No	D. Ross	Yes	
J. Gorton	Yes	P. Rueppel	Yes	
J. Hyde	Yes	S. Werksman	Yes	
M. Jolin	No	Chairman G. Longfellow	Yes	7-2
P. Loiselle	Yes			<b><u>Motion carried.</u></b>

**OLD BUSINESS:**

Cabela's Discussion

D. Jodoin asked the Council to review and discuss the issue with Hackett Hill Road acceptance.

Improvements to Hackett Hill Road will be funded through an agreement between the Town and the State. The agreement requires the Town to take over maintenance of Hackett Hill Road and to apply for State Aid Highway funding. The State will pay 2/3 of the cost and the Town/Cabela's will pay 1/3. Funds are already allocated until 2010. The State is proposing that Cabela's front the construction and be repaid in increments of up to \$1 million per year over 2010, 2011 and 2012. Cabela's is proposing to put \$400,000 into escrow for the plow truck (app \$75,000), the cost of a topcoat repair after 10 years (\$75,000) and the balance to cover normal maintenance costs during the life of the bond.

***M. DiBietto moved to accept Hackett Hill Road with conditions that Cabela's pay for the maintenance of the road during the life of the bond (20 years).***

Dale Hemeon, Highway Manager stated that \$400,000 for road maintenance would work but be close.

J. Hyde: I would remind my fellow Councilors, something that's too good to be true is usually is. This is just another way for Cabela's to defray their start-up costs. I cannot support accepting this road on behalf of Cabela's.

M. Jolin: The State is not providing funds for Cabela's. This is for improvements on Hooksett's road. I disagree that this is money to help Cabela's. This is to be used to improve state roads.

Chairman G. Longfellow: We are accepting this road if the conditions we require are met. This is for the process to move forward.

Discussion on the matter ensued.

**M. DiBitetto rescinded his motion.**

**D. Ross moved to instruct the Town Administrator to send a letter to the State informing them that the Town would like to entertain acceptance of 3,200 feet of Hackett Hill Road. Motion seconded by M. DiBitetto. Roll call vote carried unanimously.**

D. Jodoin recommended hiring Mr. Marc Hughes of First Albany Bank as a financial consultant for the project. He also recommended entering into an agreement with Mr. David Barnes as the Town's legal counsel. He explained that 90% of the work would probably be handled by Mr. Hughes. Mr. Barnes will tie things together. D. Jodoin has spoken with a couple of financial institutions and felt that Mr. Hughes has the firm, the backing and the knowledge to guide the Town through the project to best protect the residents and comply with the warrant article

**J. Hyde moved to waive the 3-bid rule. Motion seconded by P. Loiselle.**

An escrow account will be established for legal expenses. The agreement for the escrow account has been approved by Cabela's and the Town Counsel. D. Ross suggested adding stipulations that if Cabela's does not send the money, the Town will not be liable. M. DiBitetto suggested initially hiring Mr. Hughes on an hourly basis until the Council determines to move forward.

**Roll call vote on the motion to waive the 3-bid rule:**

M. DiBitetto	Yes	D. Ross	No		
J. Gorton	Yes	P. Rueppel	Yes		
J. Hyde	No	S. Werksman	Yes		
M. Jolin	No	Chairman G. Longfellow	Yes	6-3	<b><u>Motion carried.</u></b>
P. Loiselle	Yes				

M. DiBitetto moved to hire David Barnes as legal counsel for the bond. The motion was rescinded.

**D. Ross moved to negotiate with Mr. Marc Hughes of First Albany Bank as the Town's financial advisor for the bond. Motion seconded by M. DiBitetto.**

**Roll Call:**

M. DiBitetto	Yes	D. Ross	No		
J. Gorton	Yes	P. Rueppel	Yes		
J. Hyde	No	S. Werksman	Yes		
M. Jolin	Yes	Chairman G. Longfellow	Yes	7-2	<b><u>Motion carried.</u></b>
P. Loiselle	Yes				

**M. DiBitetto moved to authorize the Town Administrator to engage Mr. David Barnes on an hourly basis as legal counsel. Motion seconded by P. Loiselle. Roll call vote carried unanimously.**

**Village School Windows Replacement Bids**

The Town Administrator walked the site with Yervant Nahikian. Mr. Nahikian agreed that the windows need to be replaced as they are no longer energy efficient and date back to 1967. He will develop some plans and recommendations to be presented to the Council on the best way to proceed.

Economic Development Study Committee

Mr. William Sirak presented a draft for the committee's charge and stated that the Town Administrator, Planning Department, Planning Board and the Council should be involved. He suggested appointing members of the committee.

***M. DiBitto moved to establish the Economic Development Study Committee with charges as outlined and appoint the members as recommended with Mr. Sirak as Chair (see attached). Motion seconded by P. Rueppel. Roll call vote carried unanimously.***

The committee was asked to report their findings and recommendations to the Council within 90 days.

**NEW BUSINESS:**

Warrant Articles Motions & Seconds

See attachment.

Preservation Month Proclamation

The Council proclaimed May as National Preservation Month and May 19<sup>th</sup>, 2007 as Hooksett Heritage Day and authorized the Chair to sign the proclamation.

Franchise Extension Smyth Road Area

A public hearing will be scheduled for the proposed Manchester Water Works franchise extension.

Representative to the General Court Vacancy

M. DiBitto stated that the Council should send a letter to the Secretary of State indicating that the Town has a vacancy in the General Court representation with the loss of Representative Oliver and request guidance on how the Town should proceed filling the vacancy.

Discussion on the matter ensued.

D. Jodoin explained that the Council should vote to authorize him to send the letter and then it becomes the Town Clerk's responsibility to proceed with organizing a special election.

D. Ross moved to authorize the Town Administrator to send a letter to the Governor asking for authority to hold special election to fill the position vacated by the passing of Representative James Oliver. Motion seconded by J. Hyde. **Roll call vote carried unanimously.**

***S. Werksman moved to rename the Hooksett Safety Center to James Oliver Safety Center. Motion seconded by J. Gorton.***

S. Werksman stated that Chief Oliver served as the Hooksett Police Chief for 21 years and he was instrumental in building the safety center. He was involved in public service for many years and deserves some recognition.

**Roll call vote carried unanimously.**

State Pension Fund

M. DiBitto received a letter from Sen. Theodore Gatsas relative to the State pension fund increases. The Towns are not well represented in these discussions. He asked how the Town is weighing in on the matter.

D. Jodoin stated that the Local Government Center sent out feelers to the towns to find out how much it would impact each town. The percentage is going up considerably. They are looking at different ways to minimize the costs.

M. DiBitto suggested sending a letter to LGC indicating that the Town needs a voice in these discussions otherwise, the taxpayers will bear the costs.

**TOWN ADMINISTRATOR'S REPORT:**

D. Jodoin received a letter from Sen. Gatsas stating that he was recently contacted by Rep. Charles Humphries regarding the reclassification of roads in Hooksett i.e., Connector Road. The Senate Transportation Committee amended HB 103 to include the necessary language pertaining to the Town of Hooksett. Legislation is in process for the State to take over the Connector Road.

**NON-PUBLIC SESSION:**

S. Werksman moved to enter into a non-public session under RSA 91-A:3, II (d), "Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community." Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

P. Loiselle moved to exit the non-public session. Motion seconded by S. Werksman. **Roll call vote carried unanimously.**

D. Ross moved to enter into another non-public session under RSA 91-A:3, II (c), "Matters which, if discusses in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting." Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

P. Loiselle moved to exit the non-public session. Motion seconded by M. Jolin. **Roll call vote carried unanimously.**

The Council made a statement that they voted not to divulge the minutes of the non-public session.

**ADJOURNMENT:**

The meeting was adjourned at 9:41 pm.

Respectfully submitted,

Evelyn F. Horn  
Administrative Assistant

Jason M. Hyde  
Town Council Secretary